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OT-5042IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Perez, Jose Sevilleja
Serial No.: 10/551,243
Filed: 09/28/2005
Group Art Unit: 3654
Examiner: Kruer, Stefan
Title: ELEVATOR ROLLER GUIDE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on August 10, 2006. Applicant hereby elects claims 1-9. This election is made with traverse.

Because this application is a national filing from a PCT application, PCT Rules 13.1 to 13.4 and MPEP §189.03(d) must be followed. Accordingly, imposing a restriction requirement requires listing different groups of claims and explaining that each group of claims lacks unity of invention with the other groups. The administrative instructions under the PCT (MPEP Appendix A1) explain, "Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect to any of the claims that depend on the independent claims. In particular, it does not matter if the dependent claim itself contains a further invention."

In order for a restriction requirement to be imposed in this application, the Examiner must perform an examination and cite to the prior art that would make the claims not patentable. Without that, the restriction requirement is baseless and must be withdrawn.

The Examiner is incorrect in stating, "The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features." Both independent claims include roller axes that

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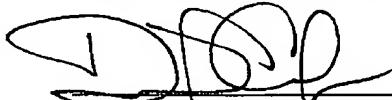
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remain fixed relative to the claimed mount. Both independent claims were considered during the international examination phase and found to meet the requirements of PCT Articles 33(2)-(3).

Examination of all claims is required.

Respectfully submitted,

CARLSON, GASKEY & OLDS

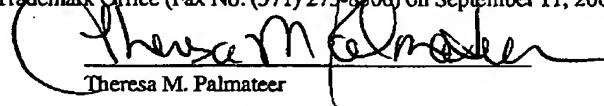


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Dated: September 11, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this Response to Restriction Requirement, relative to Application Serial No. 10/551,243 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8706) on September 11, 2006.



Theresa M. Palmateer

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